

REMARKS

I. INTRODUCTION

In response to the Office Action dated January 24, 2008, claims 1, 17, 24, 32, 35, 51, 58, 66 and 107 have been amended and claims 108-116 have been added. Claims 1, 2, 4, 9-25, 30-37, 43-59, 64-68 and 107-116 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, is requested.

II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. These amendments are fully supported by the specification and introduce no new matter. Support for embodiments of Applicants' invention that include a tubing locking mechanism comprising a friction retainer element disposed on the exterior of the housing that allows a user to fix a dispensed length of the medical infusion tubing at a desired point can be found for example in FIG. 2 and in paragraphs [0034]-[0036] of the specification. Support for embodiments of Applicants' invention that include a manual winding mechanism comprising a grasping element disposed on the exterior of the housing and having a surface that allows a user to grasp and manually wind or unwind the medical infusion tubing disposed within the housing can be found for example in FIG. 1B and in paragraph [0032] of the specification.

III. EXAMINER INTERVIEW SUMMARY

Record is made of a telephone interview on May 14, 2008 between Applicants' attorney William Wood, and Examiner Koharski in connection with the present patent application. Applicants' attorney sincerely thanks Examiner Koharski for his helpful comments and suggestions.

IV. PRIOR ART REJECTIONS

On page (2) of the Office Action, claims 1-2, 4, 9-16, 19-20, 24-25, 30-31, 35, 37, 43-48, 50, 56, 58, and 64-65 were rejected under 35 U.S.C. §102(b) as being anticipated by Dragon, U.S. Patent No. 5,236,143 (Dragon). On page (4) of the Office Action, claims 57 and 107 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dragon (or Pierce) in view of Synsteliën et al., U.S. Patent No. 4,200,249 (Synsteliën). On page (5) of the Office Action, claim 36 was rejected under 35 U.S.C.

§103(a) as being unpatentable over Pierce. Applicants respectfully traverse these rejections for the reasons articulated below.

All pending independent claims are now focused on embodiments of the invention that comprise: (1) a tubing locking mechanism, wherein the tubing locking mechanism comprises a friction retainer element disposed on the exterior of the housing that allows a user to fix a dispensed length of the medical infusion tubing at a desired point; or (2) a manual winding mechanism, wherein the manual winding mechanism comprises a winding element disposed on the exterior of the housing and having a surface that is grasped by a user to manually wind or unwind the medical infusion tubing disposed within the housing.

Applicants respectfully traverse the rejections under 35 U.S.C. §102(b) in view of the Dragon patent because this disclosure fails to teach or suggest the embodiments of the invention recited in the amended claims, for example apparatuses having a constellation of elements which includes the claimed tubing locking mechanism, and/or manual winding mechanism. As noted for example in M.P.E.P. 2131, a claim is anticipated only when a single prior art reference discloses each and every limitation in the claim. Because the Dragon disclosure fails to teach or suggest the constellation of elements recited in Applicants' independent claims, it cannot anticipate the claimed invention. For this reason, Applicants respectfully request a withdrawal of the rejection under 35 U.S.C. §102(b).

Applicants further traverse the obviousness rejections to: (1) claims 57 and 107 under 35 U.S.C. §103(a) in view of a combination of Dragon (or Pierce) and Synsteliem; and (2) claim 36 in view of Pierce because the Dragon, Pierce and Synsteliem disclosures, either alone or in combination fail to render the invention recited in the amended claims obvious. As noted in MPEP §2142 and 2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In this context, the cited references cannot render the claimed invention obvious because each fail to teach or suggest the embodiments of the invention recited in the amended claims, for example apparatuses having a constellation of elements which includes the claimed tubing locking mechanism, and/or manual winding mechanism. For this reason, Applicants respectfully request a withdrawal of the rejections under 35 U.S.C. §103(a).

In addition, the various elements of Applicants' claimed invention together provide operational advantages over Dragon, Pierce and Synsteliem. In addition, Applicants' invention solves problems not recognized by Dragon, Pierce and Synsteliem. Thus, Applicants submit that the

independent claims 1 are allowable over Dragon, Pierce and Synsteliem. Further, the dependent are submitted to be allowable over Dragon, Pierce and Synsteliem in the same manner, because they are dependent on the independent claims, and thus contain all the limitations of the independent claims. In addition, the dependent claims recite additional novel elements not shown by Dragon, Pierce and Synsteliem.

IV. CONCLUSION

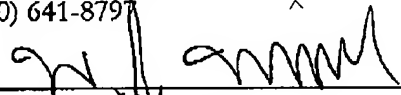
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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